REMARKS

Claims 15-19, 22-30 and 33-36 are currently pending, among which claims 15 and 26 are independent claims.

In the final Office Action, claims 15-19, 22-24, 26-30 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Harada et al. Claims 20 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler and Harada et al in view of Lotspiech et al. Claims 21 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler and Harada et al in view of Slotznich. Claims 25 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler and Harada et al in view of Look.

Lotspiech (US Patent No. 6,345,289)

In the above amendment, claims 20 and 31 are incorporated in claims 15 and 26, respectively, with additional language which clarifies the subject matter recited in claims 20 and 31. The Examiner determines in the Office Action that Lawler and Harada fail to disclose the subject matter recited in claims 20 and 31 but Lotspiech discloses the attribute locator requests attributes from a user when it cannot locate any user attribute of the user in the memory. Applicants respectfully submit that Lotspiech fails to disclose the limitation newly added in claims 15 and 26.

Lotspiech disclose a scheme in which more personalized web data is offered to a client. In Lotspiech, when a client requests data from a web page which requires personal data of a user, the server returns a request for the personal data to the client. (col. 4, lines 29-35). The process of returning a request for the personal data is initiated automatically when a specific web pate is accessed, and the initiation of the process does not involve any judgment regarding any missing personal data. To the contrary, in the present invention, a request for user attributes is not sent automatically but sent if it is found that user attributes are not registered in the memory in relation to the identification of the instructing user. The process disclosed in Lotspiech of returning a request for personal data from the server cannot be equated to the added limitation of claims 15 and 26.

In Lotspiech, the client examines the request from the server for personal data. If the client finds that the requested personal data is missing, it will ask the user to enter the data thereon. (col. 4, lines 53-64). In Lotspiech, the client requests a specific attribute by asking the user to type a keyboard. In the present invention, however, user attributes are stored in a mobile telephone. In the present invention, a request for user attributes is made to the mobile telephone, and the requested user attributes are received from the mobile telephone.

Please also note that in Lotspiech, the client receives a request from the server for specific attribute data. Thus, a determination that a requested, specific attribute is missing is a trigger for requesting the specific attribute to the user. On the other hand, in the present invention, a trigger is a determination that no user attributes are registered for a specific user, and a request is made for user attributes in general, not for a specific user attribute. The language added in claims 15 and 26 can read to signify this difference.

Given the differences set forth above, Lotspiech is silent about the language added in claims 15 and 26. Since none of the cited references discloses the added language, claims 15 and 26 as amended above should be patentable over the cited references.

Lawler (US Patent No. 5,758,259) and Harada et al. (US Patent No. 5,721,583)

The Examiner relies on a combination of Lawler and Harada et al. in every rejection noted above. However, Applicants believe that Lawler and Harada et al. cannot be combined. The Examiner indicates in the Office Action that Lawler fails to disclose each instruction contains an identification of a user who issued the instruction. The Examiner goes on to indicate that Harada discloses each instruction contains an identification of a user who issued the instruction. The Examiner states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lawler's system to include each instruction containing an identification of a user who issued the instruction, as taught by Harada with the added benefits of simplifying user access without user intervention. Applicants disagree.

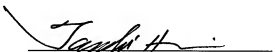
To include a user identification in an instruction is to personalize the controller or terminal to a particular user. In other words, the controller belongs to a particular user and is not meant to be used by another user. An example of such a personalized controller is a wireless phone as adopted by the present invention. Unlike a wired phone, a wireless phone is a personal object and is not meant to be used or shared by multiple users.

There is nothing in Lawler that discloses or teaches the idea of a personalized controller. Rather, Lawler teaches away from the idea. Lawler states:

> Viewer preference data is of greatest accuracy when the identification of viewers receiving programming is correct. For example, the viewing history of a viewer could not be determined if the viewer did not enter his PIN or did not view a program after entering the PIN, as described with reference to process block 124. To improve the accuracy with which a viewer history is determined, viewers identified as receiving a program may be periodically polled or queried during the program. For example, a small query icon rendered at a bottom corner of the display screen during the program could prompt the viewer to acknowledge his presence. Absence of an action from a viewer would end the tracking of the program as one being received by the viewer. (col. 10, lines 6-18).

As discussed in the specification, Lawler bases its invention on an impersonalized terminal. There is nothing in Lawler that teaches that a user identification is given to a terminal to personalize the terminal to a particular customer. Therefore, Lawler and Harada cannot be combined.

Respectfully submitted,



BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

Tadashi Horie
Registration No.: 40,437
Attorney for Applicants